



Legislation Text

File #: 08-0399, Version: 1

Resolution to Ratify the Emergency Request for Additional Funds from the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the William Nixon Property and Webster United Church of Christ in Webster Township, JA Bloch Property in Northfield Township and the Edmund and Muriel Pardon, Kelley Newton et al and Merle Kern Estate in Ann Arbor Township

Attached for your review and approval is a resolution to ratify the emergency request, authorized by the City Administrator for additional funds from the Federal Farm and Ranch Land Protection Program (FRPP) for the purchase of development rights (PDR) for the Nixon and Webster United Church of Christ Farms in Webster Township, the JA Bloch Property in Northfield Township and the Edmund and Muriel Pardon, Kelley Newton et al and Merle Kern Estate in Ann Arbor Township. The Federal program will grant funds up to 50% of the appraised fair market value of the development rights, to a maximum of \$5,000 per acre.

The City Administrator under the authority granted in Section 5.1 of City Charter may supply the necessary authority and direct necessary actions to be taken in accordance with the ordinances of the City in the absence of specific authority in the case of an emergency. The City Administrator is required to report in detail to Council both the action taken, the emergency requiring the action, and recommend ratification or other appropriate corrective legislation.

Staff was notified on Monday, April 7, 2008 by the State of Michigan that the 2007 Farm Bill was extended by Congress and as a result, an additional \$40,835,265 is available nationwide for the FRPP program for farmland preservation. The State indicated that if the City had requests for these funds, the City was required to submit a request by 12:00 P.M. on Wednesday, April 10, 2008.

The Nixon, Webster Church, JA Bloch, Pardon, Kern and Newton properties are in close proximity with already protected farmland and increase the sustainability of agricultural production in the Greenbelt. In addition, other applications have been received from landowners in the area, providing more opportunities to add to the block of protected land. Specifics of each property are:

<u>LANDOWNER</u>	<u>ACRES</u>	<u>LOCATION</u>
<u>Webster Township Properties</u>		
Nixon Farm	264.85 Acres	North of Joy Road on Zeeb Road
Webster United Church of Christ Farm	89 Acres	Intersection of Farrell Road and Webster Church Road
<u>Northfield Township Property</u>		
JA Bloch	93 Acres	Bordered by US 23 on the west and Joy Road on the south
<u>Ann Arbor Township Properties</u>		
Pardon	73 Acres	On Stein Road across from Barton

		Hills Country Club
Newton	78 Acres	Intersection of Nixon Road and Warren Road
Kern Estate Farms	84 Acres	On Pontiac Trail, south of Joy Rd

The Nixon and Webster Church Farms are also high priorities for the Webster Township's Land Preservation Board, and these projects would be in collaboration with the Township. The Pardon, Newton and Kern Estate Farms are high priorities for the Ann Arbor Township's Land Preservation Board, and these projects would be in collaboration with the Township.

On April 16, 2007, Council approved Resolution R-147-4-07 for the 2007 grant application to FRPP for the purchase of development rights on the Merkel, et al farm in Webster Township. Subsequently, the City was notified that the City received a grant in the amount of \$750,000 for the application and Council approved the Cooperative Agreement with the United States on June 18, 2007 (R-288-6-07). If awarded the additionally requested funds, the 2007 Cooperative Agreement will be amended to include the additional funds.

Matching grant funds are through the Federal Natural Resources Conservation Service (NRCS). The City's share is from the Open Space and Parkland Preservation Bond proceeds. Additional matching funds will also be requested from Ann Arbor Township's Land Preservation Millage Fund and from Webster Township's Land Preservation Millage Fund.

City Council will be asked to approve the final purchase and sales agreement and grants of easement for the property when agreements on sales price are reached with the owners. City Council will also be asked to approve a Participation Agreement with Ann Arbor Township and Webster Township for the purchase of the development rights.

The Purchase and Sale of the development rights (pending offer) is contingent on the following:

- a. Establishment of a fair market price for the development rights to be determined by an appraisal. This appraisal process is underway.
- b. Conveyance of good and marketable title to the development rights by Farmland Development Rights Easement.
- c. Acceptance of the Farmland Development Rights Easement by Ann Arbor City Council and the Farm and Ranch Lands Protection Program.

The easement is made pursuant to section 36111 b of the Natural Resources and Environmental Protection Act (MCL 324.36111b; MSA 13A.36111b) and Chapter 42 of the Ann Arbor City Code. The easement is for the purpose of preservation of the Property's agricultural use, including the protection of prime, unique or important soils, by preventing any use that would significantly impair or interfere with the agricultural value.

The FRPP program is voluntary and provides matching funds for local governments to acquire development rights on farmland. The landowners retain the right to use their property for agriculture.

The Greenbelt Advisory Commission recommended approval of an appraisal for the Nixon, Webster Church, and JA Bloch properties and to include them in a regular Farm and Ranch Protection Program application when the spring cycle is announced. The Greenbelt also approved funding an appraisal on the Pardon property.

Prepared by: Peg Kohring, The Conservation Fund

Reviewed by: Jayne Miller, Community Services Area Administrator

Whereas, City Council approved the 2007 FRPP grant on April 16, 2007 (R-147-4-07) for the purpose of preserving farmland;

Whereas, City Council approved the Cooperative Agreement with the United States on June 18, 2007 (R-288-6-07);

Whereas, FRPP has matching grant funds available for up to 50% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Bond proceeds;

Whereas, On April 7, 2008 the City was notified that FRPP has an additional \$40 million nationwide available for additional funding requests and was requested by FRPP to submit expedited additional funding requests for applications that were eligible for FRPP funds;

Whereas, Being fully informed, the City Administrator deemed these circumstances to meet the standards for an emergency request in order to obtain matching funds for farmland preservation;

Whereas, The property owners have completed a Voluntary Agreement for the Sale of Farmland/Agricultural Land Development Rights and agree to establish a Farmland Development Rights Grant of Easement that conforms to standards established by the City of Ann Arbor and the Natural Resources Conservation Service; and

Whereas, The Greenbelt Advisory Commission approved a motion recommending approval of appraising these properties and including them in the FRPP application;

RESOLVED, That City Council ratify the emergency request for additional funds to the Farm and Ranch Lands Protection Program for matching grant funds for the Purchase of Development Rights for the William Nixon, JA Bloch, Webster Church of Christ, Edmund and Muriel Pardon, Kelley Newton et al and Merle Kern Estate;

RESOLVED, That the approval of purchase of development rights be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, The City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements and amendment to current Cooperative

Agreement, if awarded funds from the Federal Farm and Ranch Land Protection Program after approval as to form by the City Attorney.